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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,536	12/26/2001	Hiroki Kisu	35.C16064	8296
5514	7590	03/29/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			MENGISTU, AMARE	
		ART UNIT		PAPER NUMBER
		2673		
DATE MAILED: 03/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/025,536	KISU, HIROKI	
	Examiner Amare Mengistu	Art Unit 2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) 15-22 is/are allowed.
- 6) Claim(s) 1-3 and 11-14 is/are rejected.
- 7) Claim(s) 4-10 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 Are rejected under 35 U.S.C. 103(a) as being unpatentable over **Applicant's Admitted Prior Art [fig.31]** in view of **NIPPON SHASHIN INSATSU [JP 2001-1060144A]**.

As to claim 1, Applicants Admitted Prior Art [fig.31] [hereinafter AAPA] discloses an image display apparatus which comprises an image display portion comprised of a pair of substrates disposed opposite to each other (fig.31 [4a, 4b]) and having a peripheral edge sealed in order to form a sealed gap and an insulating liquid (fig.31 [1]) and a plurality of coloring charged particles disposed in the sealed gap (fig.31 [2]), and which controls positions of the coloring charged particles so as to display an image (see, fig 31, "letter C ") said apparatus comprising: a transparent electrode (fig.31 [400a,400b]) disposed in a gap between the pair of substrates.

AAPA has failed to teach an electrode sheet and a writing unit arranged opposite to an electrode surface of the electrode sheet and outside the image display portion; and a unit for moving the electrode sheet and the writing unit in parallel to the substrates and in a direction of a right angle to the arrangement.

The patent of **NIPPON SHASHIN INSATSU** (hereinafter **NIPPON**) clearly teaches that it is well known for an image display to have a moving electrode sheet [12] to be moved between a substrate and a writing unit [touch panel] opposite to an electrode sheet (see, detailed description and Advantage). It is obvious to one skill in the art for **NIPPON** to have a moving unit in order to move both the electrode sheet and the writing unit in a right angle direction as the claim broadly interpreted.

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to incorporate the moving electrode sheet and writing unit of **NIPPON** into the display system of **AAPA** since this will provide a reliable input which can be performed efficiently.

In regard to claim 2, **AAPA** said writing unit has a photosensitive member (fig.31 [10]), an electrode disposed so that said photosensitive member is sandwiched between said electrode sheet (fig.31 [400a, 400b]) and the electrode, and a light source which irradiates said photosensitive member with light (fig.31 [12]).

As to claim 3, it is obvious that the writing unit of **NIPPON** has electrodes arranged in one row.

3. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **AAPA** in view of **NIPPON** as applied to claims 1-3 above, and further in view of **Sheridon et al** (6,421,035).

4. As to claims 11-14, **AAPA** as modified by **NIPPON** discloses an image display system with a movable electrode sheet and a writing unit, but has failed to teach that the Image display portion has flexibility, displays different colors and the display system being portable. However, the **Sheridon et al** is cited to teach that image display system can be flexible, can have different colors and can also be portable (see, col.1, lines 53-62, col.2, lines 39-30,61-63, col.20, lines 58- col.21, lines 6, fig.10C [1074 R, 1075 G, 1076 B]), and the image display portion are superposed upon one another so that the color display is performed (see, figs. 11A col.24, lines 34-49). **Sheridon et al** did not expressly detailed having a color filter. However, it is well known for a color display to have a color filter.

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to combine flexable, portable, color display system of **Sheridon et al** into the display system of **AAPA** as modified by **NIPPON**, because this will allow the user to have a more flexible and colorful image display system for more simplicity and convenience.

Allowable Subject Matter

5. Claims 15-22 are allowed.

The following is an examiner' s statement of reasons for allowance: the cited prior arts has failed to disclose the recited claims limitations " *a movable sheet member which is disposed to be movable in the gap between the pair of substrates, and which comprises means for stirring the insulating liquid of the image display portion by movement and simultaneously stripping the charged particles from the substrates; and a writing unit which is arranged outside the image display portion, and which moves in parallel to the substrate and in a direction of a right angle to the arrangement while applying, an electric field to the charged particles of the image display portion so as to write the image*" and " *a movable sheet member which is disposed to be movable in the gap between the pair of substrates, and which comprises means for stirring the insulating liquid of the image display portion by movement and simultaneously stripping the charged particles from the substrates; and a writing unit which is arranged outside the image display portion, and which moves in parallel to the substrate and in a direction of a right angle to the arrangement while applying, an electric field to the charged particles of the image display portion so as to write the image*".

6. Claims 4-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the above cited references has failed to teach " *said image display portion has*

flexibility, a pair of first pressure members is disposed so as to hold the image display portion... and the coloring charged particles out of said sealed gap" and "said electrode sheet has one edge attached to a first wind-up shaft... and is moved these wind-up shafts are rotated".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Mengistu whose telephone number is (703)305-4880. The examiner can normally be reached on M-F,T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703)305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Amare Mengistu
Primary Examiner
Art Unit 2673

A.M

March 19, 2004